

Authority: Toronto Community Council Report No. 12, Clause No. 1,
as adopted by City of Toronto Council on October 28, 29 and 30, 1998
Enacted by Council: March 4, 1999

CITY OF TORONTO

BY-LAW No. 121-1999

To amend the former City of Toronto Municipal Code Ch. 313, Streets and Sidewalks, respecting Boulevard Cafes.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 313, Streets and Sidewalks, of the Municipal Code of the former Corporation of the City of Toronto is amended as follows:

A. By inserting a new Subsection C.1 after Subsection C in Section 313-36 of the former City of Toronto Municipal Code, Chapter 313, as follows:

“C.1 Boulevard Cafe Decks

- (1) Where the application includes permission to construct and maintain a boulevard cafe deck within the licensed boulevard cafe area, the following provisions apply in addition to those set out in Subsections A and C:
 - (a) Boulevard cafe decks shall only be permitted on sidewalks or boulevards that exceed a slope of 5% and over.
 - (b) The deck shall be no higher than what is required to accommodate a level area and the deck framing members (which shall be the minimum depth required).
 - (c) A skirt or screen shall be provided where the distance between the grade and the top of the deck is greater than the total thickness of the deck and framing members.
 - (d) Wood used for the decking, skirt, uprights, or railing shall be treated, painted, or stained.
 - (e) When wood is used for the uprights;
 - (i) post widths shall not exceed 0.10 m x 0.10 m (4 x 4 inches);
 - (ii) top and bottom railings shall not exceed 0.06 m x 0.09 m (2.5 x 3.5 inches);
 - (iii) pickets or balusters shall not exceed 0.04 m x 0.04 m (1.5 x 1.5 inches); and
 - (iv) the spacing between the pickets or balusters shall not exceed 0.10 m (4 inches).

- (f) A minimum width of 1.03 m (3.3 ft.) break in the railing shall be provided at the high side of the slope to provide wheelchair access.
 - (g) Boulevard cafe decks shall not be constructed over existing underground services (i.e. hydro vaults, chambers, maintenance holes, etc.), except with prior written approval given by the relevant public utility.
 - (h) Should future installation of services within the boulevard area be required, the boulevard cafe owner shall, upon receipt of a 30 day notice, remove the boulevard cafe deck.
 - (i) The owner or occupant shall ensure that the boulevard cafe deck is removed at the end of the cafe season.
 - (j) Prior to receiving a licence or permission, the boulevard cafe owner shall enter into a written agreement with the City of Toronto, the terms, conditions, and form of the agreement to be satisfactory to the City Solicitor.
- (2) Boulevard cafe decks approved by the former City of Toronto Council on or before December 31, 1997 are exempt from the requirements in Subsection C.1 (1).”
- B. By inserting a new Subsection E (17) after Subsection E (16) in Section 313-36 of the former City of Toronto Municipal Code, Chapter 313, as follows:
- “(17) The owner or occupant agrees that, where permission has been granted after December 31, 1997 to construct and maintain a boulevard cafe deck, the owner or occupant shall construct and maintain the boulevard cafe deck as required by this chapter, and agrees that:
- (a) Should future installation of services within the boulevard area be required, the boulevard cafe owner shall, upon receipt of a 30 day notice, remove the boulevard cafe deck.
 - (b) The owner or occupant shall ensure that the boulevard cafe deck is removed at the end of the cafe season.”

ENACTED AND PASSED this 4th day of March, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)